

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 1, 12, 28 and 29 have been amended, and claims 4 and 13 have been canceled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-4, 5-10, 12, 14-20, 22-24, 26, 28 and 29 are under consideration. Claims 22-24 and 26 are withdrawn. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at pages 2-5, numbered paragraphs 4-18, claims 1-8, 10, 12-20, and 28-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Yanagawa et al. (USPN 6,346,695; hereafter, Yanagawa). This rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to include the features of claim 4. Claim 4 has been canceled without prejudice or disclaimer.

Claim 12 has been amended to include the features of claim 13. Claim 13 has been canceled without prejudice or disclaimer.

Claim 28 has been amended to include the features of claim 13 and to add terminology to describe the grating.

Claim 29 has been amended to include the features of claim 4 and to add terminology to describe the grating.

It is respectfully submitted that the above amendments further define the positional relationship of the monitoring photodetector and the grating. Hence, the present claimed invention has several features that are different from the features of the invention of Yanagawa.

For example, Yanagawa teaches that the monitoring photodetector detects the light beam after it is transmitted through the grating. In contrast, in the present invention the light beam detected by the monitoring detector is not transmitted through the grating.

In addition, although the Examiner submits that the positional relationship of claim 3 is disclosed in col. 7, lines 44 to col. 8, line 9 of Yanagawa, it is respectfully submitted that Yanagawa shows only that one portion of a light beam transmitted through a grating is used for a monitoring photodetector, but does not disclose a reflecting member and the positional relationship in which the reflecting member is disposed around the grating, as is recited in amended independent claims 1 and 29 of the present invention.

Further, Yanagawa does not disclose the positional relationship in which the monitoring

photodetector is adjacent to an outer sidewall of the grating, as is recited in amended independent claims 12 and 28 of the present invention.

Hence, it is respectfully submitted that Yanagawa teaches away from amended independent claim 1, amended independent claim 12, amended independent claim 28 and amended independent claim 29 of the present invention.

Thus, it is respectfully submitted that amended independent claims 1, 12, 28, and 29 are not anticipated under 35 U.S.C. §102(e) by Yanagawa et al. (USPN 6,346,695). Since claims 2-3, 5-8, 10, and 14-20 depend from amended independent claims 1 and 12, respectively, claims 2-3, 5-8, 10, and 14-20 are not anticipated under 35 U.S.C. §102(e) by Yanagawa et al. (USPN 6,346,695) for at least the reasons amended independent claims 1 and 12 are not anticipated under 35 U.S.C. §102(e) by Yanagawa et al. (USPN 6,346,695).

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 5-6, numbered paragraph 19, claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yanagawa et al. (USPN 6,346,695; hereafter, Yanagawa) as applied to claims 1 and 12 above. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The amendment of independent claim 1 (see above) clarifies differences between claim 1 of the present invention and Yanagawa (see above).

Hence, amended independent claim 1 of the present invention is patentable under 35 U.S.C. §103(a) over Yanagawa et al. (USPN 6,346,695). Since claim 9 depends from amended claim 1, claim 9 is patentable under 35 U.S.C. §103(a) over Yanagawa et al. (USPN 6,346,695) for at least the reasons amended independent claim 1 is patentable under 35 U.S.C. §103(a) over Yanagawa et al. (USPN 6,346,695).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Darleen J. Stockley
Darleen J. Stockley
Registration No. 34,257

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501